

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

FILED  
at Santa Fe NM

JUL 31 2002

Karen M. MARCH, Clerk  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Rio Cebolla, Section 3  
Subfile No.: CHCB-008-0001

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

CLYDE C. BAKER  
THERESA BAKER

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

RECEIVED

JUN 14 2002

6795

OFFICE OF THE STATE ENGINEER  
LEGAL SERVICES DIVISION

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 2631- 2735

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** RINCON BLANCA DITCH

**Location X:** 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 17, Township 26N, Range 04E, N.M.P.M.

Pt. NW $\frac{1}{4}$	15.0 acres
Pt. SE $\frac{1}{4}$	25.9 acres
Pt. SE $\frac{1}{4}$	0.2 acres
Pt. SW $\frac{1}{4}$	73.7 acres
Pt. SW $\frac{1}{4}$	64.8 acres

Section 19, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$	41.2 acres
----------------------	------------

Section 20, Township 26N, Range 04E, N.M.P.M.

Pt. NW $\frac{1}{4}$	21.6 acres
Pt. NW $\frac{1}{4}$	77.6 acres
Total	320.0 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-008-0001.

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** NONE

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch Name:** RINCON BLANCA DITCH

**Location X:** 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Section 18, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$	19.2 acres
Pt. SE $\frac{1}{4}$	47.5 acres

Section 19, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$	9.2 acres
----------------------	-----------

Section 20, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$	100.6 acres
Total	176.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-008-0001.

**Amount of Water:** NONE

**C. STORAGE RESERVOIR (Surface Water Only):**

**Office of the State Engineer Files No(s)** 2631 - 2735

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION/STOCK/DOMESTIC

**Point of Diversion:**

**Ditch Name:** RINCON BLANCA DITCH

**Location X:** 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location of Impoundment**

Section 16, Township 26N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$	7.1 acres
----------------------	-----------

Section 17, Township 26N, Range 04E, N.M.P.M.

Pt. SW $\frac{1}{4}$	17.4 acres
Total	24.5 acres

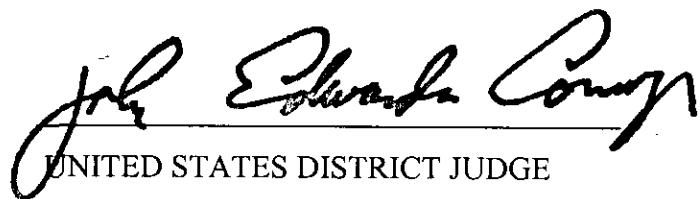
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-008-0001.

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

**IT IS THEREFORE ORDERED** that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



John Edward Conroy  
UNITED STATES DISTRICT JUDGE

Recommended for approval:



Vickie L. Gossin  
SPECIAL MASTER

ACCEPTED: Theresa Baker  
THERESA BAKER

ADDRESS: Box 245  
Cebolla N.M.  
82518

DATE: 5-11-02

ACCEPTED: Clyde C. Baker  
CLYDE C. BAKER

ADDRESS: Box 245  
Cebolla N.M.  
82518

DATE: 5-11-02



EDWARD G. NEWVILLE  
Special Assistant Attorney General

6-14-02  
Date



<p>STATE OF NEW MEXICO Office of the State Engineer Thomas C. Turney, State Engineer</p> <p>Rio Chama Hydrographic Survey RIO CEBOLLA SECTION</p>	<p>Subfile Number <b>CHCB-008-0001</b></p> <p><b>Rincon Blanco Ditch AMENDED April 24, 2002</b></p>
---	---

